IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.878 of 2004.
IN
FIRST APPEAL ST.NO.5454 OF 2004.

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri A.R.Patil, A.G.P.for the Applicant.

Shri Surel Shah for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 11th January, 2007.

P.C.:

1. Rule. Shri Shah waives service for the Respondent. Taken up for hearing forthwith.

2. The impugned Judgment and Award is in the nature of a money decree. Hence, unconditional stay cannot be granted.

3. The execution and operation of the impugned Judgment and Award will remain stayed till the final disposal of the First Appeal subject to condition of the Applicant depositing the entire amount due and payable as per the impugned Award with the Reference Court within a period of twelve weeks from today. If the deposit of entire amount

is not made within stipulated time, the interim stay granted will stand forthwith vacated without further reference to the Court.

4. If the amount as aforesaid is deposited, the Claimant will be permitted to withdraw the said amount subject to furnishing adequate security for the said amount to the satisfaction of the Reference court. The Reference Court will hear the Applicant before accepting the security.

5. Civil Application is disposed of in above terms.

Judge.